REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 20, 2002 ("Office Action"). At the time of the Office Action, Claims 1-46 were pending in the application. In the Office Action, Examiner rejects Claims 1-46. Applicants amend various portions of the specification and Claims 38-39 to advance prosecution in this case. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were necessary as a result of any cited art.

Summary of Telephonic Interview

Applicants' attorneys, Mr. Samir A. Bhavsar and Mr. Chad D. Terrell, conducted a telephonic interview with Examiner Nguyen on January 16, 2003. Pursuant to M.P.E.P. § 713.04, Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Attorneys for Applicants thank the Examiner for the courtesy of his telephonic interview. During the telephonic interview, Applicants traversed the Examiner's provisional statutory double patenting rejection under 35 U.S.C. § 101 of Claims 1-46. The Examiner claims in the Office Action that Claims 1-46 of Application Serial No. 09/488,394 claim the same invention as that of Claims 1-55 of co-pending Application Serial No. 09/488,395. Applicants discussed the distinctions between the independent claims of Application Serial No. 09/488,394 and the independent claims of co-pending Application Serial No. 09/488,395. The Examiner agreed that Claims 1-46 of Application Serial No. 09/488,394 are not co-extensive in scope as Claims 1-55 of co-pending Application Serial No. 09/488,395 and that he would withdraw the statutory double patenting rejection of Claims 1-46.

Double Patenting Rejections

The Examiner provisionally rejects Claims 1-46 under 35 U.S.C. § 101 as claiming the same invention as that of Claims 1-55 of co-pending Application No. 09/488,395. Based on the telephonic interview summarized above, the Examiner agreed that Claims 1-46 of Application Serial No. 09/488,394 are not coextensive in scope as Claims 1-55 of co-pending

Application Serial No. 09/488,395 and that he would withdraw the Section 101 statutory double patenting rejection.

Section 103 Rejections

The Examiner rejects Claims 1-3, 5, 8-13, 15-19, 21, 24-28, 30-33, 36, 37, 40-42, and 44-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,252,878 issued to Locklear, Jr. et al. ("*Locklear*") in view of U.S. Patent No. 5,539,884 to Robrock, II ("*Robrock*"). The Examiner rejects Claims 4, 14, 20, 29, and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Locklear; Jr.* in view of *Robrock* and in further view of U.S. Patent No. 6,396,838 to Palnati ("*Palnati*"). The Examiner also rejects Claims 6, 7, 22, 23, 34, 35, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Locklear, Jr.* in view of *Robrock* and in further view of U.S. Patent No. 6,084,892 to Benash et al. ("*Benash*"). Applicants respectfully request reconsideration of this rejection of Claims 1-46.

According to 35 U.S.C. § 103(c), subject matter that qualifies as prior art only under 35 U.S.C. § 102(e) "shall not preclude patentability under [35 U.S.C. § 103] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." In other words, subject matter that is considered prior art only under 35 U.S.C. 102(e) is disqualified from use as a prior art reference under 35 U.S.C. 103 if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." M.P.E.P. §§ 706.02(k) and 706.02(l)(1).

To the extent that *Locklear* may qualify as prior art under § 102(e), § 103(c) disqualifies *Locklear* as a prior art reference against the claimed invention. Applicants respectfully submit that the inventors of *Locklear* and of the present invention were under a common obligation of assignment at the time the present invention was made and that the inventions were actually assigned to Cisco Technology, Inc. Support for this common ownership can be found in the Assignment Records of the U.S. Patent and Trademark Office. An assignment of *Locklear* from the inventors to Netspeed, Inc. was recorded on October 30, 1997 at Reel, 8806, Frame, 0805. A subsequent assignment of *Locklear* from Netspeed, Inc.

to Cisco Systems, Inc. was recorded on May 8, 1998 at Reel, 9157, Frame, 0001. Yet another subsequent assignment of *Locklear* from Cisco Systems, Inc. to Cisco Technology, Inc. was recorded on October 13, 1998 at Reel, 9516, Frame, 0697. An assignment for the present Application from the inventors to Cisco Technology, Inc. was recorded in the Assignment Records of the U.S. Patent and Trademark Office on April 10, 2000 at Reel 010692, Frame, 0802. Moreover, this application was filed January 20, 2000, which is prior to the date when *Locklear* issued as a patent (June 26, 2001). *Locklear*, therefore, was not published or patented until after Applicants' invention date for the invention claimed herein. As a result, Applicants respectfully submit that *Locklear* is disqualified as a prior art reference against the claimed invention because both *Locklear* and the present Application were subject to a common obligation of assignment at the time of the present invention and the filing date of this Application preceded the date *Locklear* issued as a patent. For at this reason, Applicants respectfully request withdrawal of the rejections based on *Locklear*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-46.

CONCLUSION

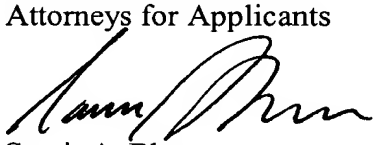
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



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MARKED-UP SPECIFICATION SHOWING AMENDMENTS

IN THE SPECIFICATION

Paragraph beginning on page 1, line 5:

This application is related to and filed concurrently with pending U.S. Patent Application Serial No. **09/488,395**, entitled "System and Method for Determining Subscriber Information." These applications have been commonly assigned to Cisco Technology, Inc.

Paragraph beginning on page 10, line 17:

Information server 50 comprises a processor 54 coupled to a memory 56. Processor 54 may comprise a central processing unit associated with a computer system, such as a mainframe, a workstation, or any other suitable general purpose data processing facility. Memory 56 comprises any suitable volatile or non-volatile memory device associated with processor 54. Memory 56 generally stores a number of files, lists, tables, or any other arrangement of information that supports the identification of subscribers 12 in system 10. For example, memory 56 includes identification table 58 having path information 60 and subscriber information 62 for subscribers 12 in system 10. Path information 60 comprises virtual circuit information **used to** identify the unique virtual circuits 16 assigned to subscribers 12 (e.g., virtual circuit identifiers), access server information, interface information, user information, and/or any other type of information used to identify subscribers 12. Subscriber information 62 comprises address information, configuration information, and/or any other suitable information used to upgrade, monitor, modify, or otherwise operate subscribers 12.

MARKED-UP CLAIMS SHOWING AMENDMENTS

IN THE CLAIMS

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made. Please amend the claims as follows:

1. A system for identifying a subscriber, comprising:

an access server coupled to a plurality of subscribers using a first communication network and further coupled to a second communication network, the access server operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the first communication network;

a memory coupled to the access server and operable to store path information that identifies a virtual circuit assigned to the particular subscriber; and

a processor coupled to the memory and operable to identify the particular subscriber for connection to the second communication network based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

2. The system of Claim 1, wherein:

the access server comprises one of a plurality of access servers coupled to the processor;

the path information further identifies an access server assigned to the particular subscriber; and

the processor is further operable to identify the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

3. The system of Claim 1, wherein the access server comprises:

an interface coupled to the particular subscriber using the particular virtual circuit; and

a controller coupled to the interface and operable to communicate a request identifying the particular virtual circuit that couples the interface and the particular subscriber.

4. The system of Claim 3, wherein:

the interface comprises a plurality of network line cards;

the path information further identifies a network line card assigned to the particular subscriber; and

the processor is further operable to identify the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

5. The system of Claim 3, wherein the request comprises:

interface information identifying the interface coupled to the particular subscriber;

virtual circuit information identifying the particular virtual circuit; and

access server information identifying the access server.

6. The system of Claim 3, wherein the request comprises a RADIUS protocol request.

7. The system of Claim 3, wherein the request comprises a trivial file transfer protocol request.

8. The system of Claim 1, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

9. The system of Claim 1, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

10. The system of Claim 1, wherein the access server supports a communication session between the particular subscriber and the second communication network in response to identifying the particular subscriber.

11. A method for identifying a subscriber, comprising:

receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a first communication network;

storing path information that identifies a virtual circuit assigned to the particular subscriber; and

identifying the particular subscriber for connection to a second communication network based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

12. The method of Claim 11, wherein:

the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;

the path information further identifies an access server assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

13. The method of Claim 12, wherein the particular access server comprises:

an interface coupled to the particular subscriber using the particular virtual circuit; and

a controller coupled to the interface.

14. The method of Claim 13, wherein:

the interface comprises a plurality of network line cards;

the path information further identifies a network line card assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

15. The method of Claim 11, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

16. The method of Claim 11, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

17. The method of Claim 11, further comprising supporting a communication session between the particular subscriber and the second communication network in response to identifying the particular subscriber.

18. An information server, comprising:

a memory operable to store path information for a plurality of subscribers coupled to an access server using a plurality of virtual circuits associated with a first communication network, the path information identifying a virtual circuit assigned to a particular subscriber; and

a processor coupled to the memory and operable to identify a particular subscriber for connection to a second communication network based upon the path information and a particular virtual circuit that couples the particular subscriber to the access server.

19. The information server of Claim 18, wherein:

the path information further identifies an access server assigned to the particular subscriber; and

the processor is further operable to identify the particular subscriber based upon the path information and an identifier of the access server coupled to the particular subscriber.

20. The information server of Claim 18, wherein:

the path information further identifies a network line card of the access server assigned to the particular subscriber; and

the processor is further operable to identify the particular subscriber based upon the path information and an identifier of the network line card.

21. The information server of Claim 18, wherein the processor identifies the subscriber in response to receiving a request comprising:

interface information identifying an interface of the access server coupled to the particular subscriber;

virtual circuit information identifying the particular virtual circuit; and

access server information identifying the access server.

22. The information server of Claim 21, wherein the request comprises a RADIUS protocol request.

23. The information server of Claim 21, wherein the request comprises a trivial file transfer protocol request.

24. The information server of Claim 18, wherein the virtual circuit that couples the particular subscriber with the access server is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

25. The information server of Claim 18, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

26. A method for identifying a subscriber, comprising:

receiving a request identifying a particular one of a plurality of virtual circuits associated with a first communication network, wherein the particular virtual circuit is used by an access server to receive a communication from a particular one of a plurality of subscribers;

storing path information that identifies a virtual circuit assigned to the particular subscriber; and

identifying the particular subscriber for connection to a second communication network based upon the path information and the particular virtual circuit used by the access server to receive the communication from the particular subscriber.

27. The method of Claim 26, wherein:

the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;

the path information further identifies an access server assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

28. The method of Claim 27, wherein the particular access server comprises:

an interface coupled to the particular subscriber using the particular virtual circuit; and

a controller coupled to the interface.

29. The method of Claim 28, wherein:

the interface comprises a plurality of network line cards;

the path information further identifies a network line card assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

30. The method of Claim 26, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

31. The method of Claim 26, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

32. An access server, comprising:

an interface coupled to a plurality of subscribers using a first communication network and operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the first communication network;

a controller coupled to the interface and operable to communicate a request to an information server for identifying the particular subscriber, the request identifying the particular virtual circuit used to receive the communication from the particular subscriber; and

a route processor coupled to the controller and operable to support a communication session between the particular subscriber and a second communication network in response to identifying the particular subscriber.

33. The access server of Claim 32, wherein the request comprises:

interface information identifying the interface coupled to the particular subscriber;

virtual circuit information identifying the particular virtual circuit; and

access server information identifying the access server.

34. The access server of Claim 32, wherein the request comprises a RADIUS protocol request.

35. The access server of Claim 32, wherein the request comprises a trivial file transfer protocol request.

36. A method for identifying a subscriber, comprising:

receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a first communication network;

communicating a request to an information server for identifying the particular subscriber, the request identifying the particular virtual circuit used to receive the communication from the particular subscriber; and

supporting a communication session between the particular subscriber and a second communication network in response to identifying the particular subscriber.

37. The method of Claim 36, wherein the request comprises:

interface information identifying an interface of an access server coupled to the particular subscriber;

virtual circuit information identifying the particular virtual circuit; and

access server information identifying the access server.

38. **(Amended)** The **[access server]** **method** of Claim 36, wherein the request comprises a RADIUS protocol request.

39. **(Amended)** The **[access server]** **method** of Claim 36, wherein the request comprises a trivial file transfer protocol request.

40. A computer program for identifying a subscriber, the program encoded on a computer-readable medium and operable to execute the following steps:

receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a first communication network;

storing path information that identifies a virtual circuit assigned to the particular subscriber; and

identifying the particular subscriber for connection to a second communication network based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

41. The computer program of Claim 40, wherein:

the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;

the path information further identifies an access server assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

42. The computer program of Claim 41, wherein the particular access server comprises:

an interface coupled to the particular subscriber using the particular virtual circuit; and

a controller coupled to the interface.

43. The computer program of Claim 42, wherein:

the interface comprises a plurality of network line cards;

the path information further identifies a network line card assigned to the particular subscriber; and

the step of identifying further comprises identifying the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

44. The computer program of Claim 40, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

45. The computer program of Claim 40, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

46. The computer program of Claim 40, further comprising supporting a communication session between the particular subscriber and the second communication network in response to identifying the particular subscriber.